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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,259	08/23/2006	Horst-Hartwig Schwieker	DE 040067	2040

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BRIARCLIFF MANOR, NY 10510

EXAMINER

THOMAS, COURTNEY D

ART UNIT	PAPER NUMBER
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2882

MAIL DATE	DELIVERY MODE
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08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,259

Applicant(s)

SCHWIEKER, HORST-HARTWIG

Examiner

Courtney Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/27/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 4-6 are objected to because of the following informalities:
2. Claim 4, line 2 recites: "the extension axis." Examiner notes there is no antecedent basis for the use of this term (see also claim 5, line 2).
3. Claim 6, line 1 recites: "the second axis of rotation." Examiner notes there is no antecedent basis for the use of this term.
4. The claims have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the claims.
5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 4-6 recite rotation axes not previously introduced. It is unclear what reference is used to define the structural and functional limitations of the claims. As such, claims 4-6 will no longer be treated on the merits.

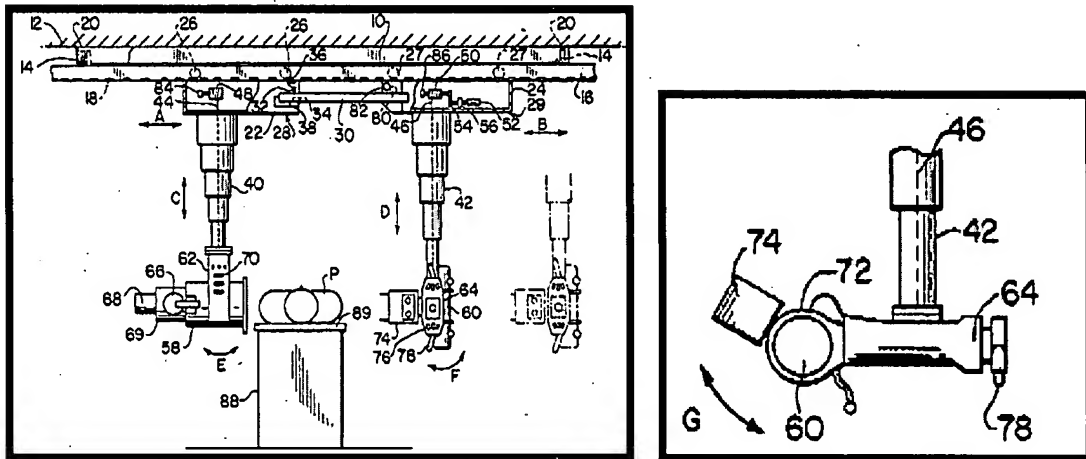
Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (U.S. Patent 4,435,830).



Figs. 1 & 2 – X-ray apparatus – U.S. Patent 4,435,830 to Suzuki et al.

11. As per claims 1, 8 and 9, Suzuki et al. disclose a ceiling mount comprising: a first guide arrangement (14) affixed to a ceiling (12) in a room; a carrier system (28, 29) having a length adjustable arm (40, 42) the carrier (28, 29) being mounted to the first guide arrangement (14), so that it is movable in a first direction (A, B); a traverse arm (62, 64) mounted to an end of arm (40, 42) and rotatable around a first axis (E, F, G); an equipment carrier (not numbered - see Fig. 2 above) which is mounted to an end of traverse arm (62, 64) and carries an X-ray detector (58) or X-ray source (60). Schmitt does not explicitly disclose that traverse arm (63) is rotatable about a first axis of rotation.

12. **As per claim 3**, Suzuki et al. disclose a ceiling mount comprising a second guide arrangement (16) mounted to the first guide arrangement so that it is slidable along a second direction (column 3, lines 17-20) and a carrier (28, 29) mounted to the second guide arrangement so that it is slidable in a second direction and carries arm (40, 42).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U.S. Patent 4,435,830).

15. **As per claims 2 and 7**, Suzuki et al. disclose an apparatus as recited in claim 1, but does not explicitly disclose an X-ray source and detector rotatable about a second and third axis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Suzuki et al. such that the X-ray source and detector are rotatable about a second and third axis. One would have been motivated to make such a modification for the purpose of enabling an apparatus to obtain a plurality of images due to components having several degrees of freedom, as is currently practiced in the radiography art.

16. **As per claim 10**, Suzuki et al. disclose an apparatus as recited in claim 8, but do not explicitly disclose a patient table adjustable in height, lengthwise direction, transverse direction and inclination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Suzuki et al. such that it incorporated the

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aforementioned limitations. One would have been motivated to make such a modification for the purpose of providing an adjustable patient surface to enable image capture under various conditions as is currently practiced in the radiography art.

17. **As per claim 11**, Suzuki et al. disclose an apparatus as recited in claim 8, but do not explicitly disclose a control unit for controlling spatial adjustment of X-ray tube and detector, making allowances for collision avoidance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Suzuki et al. such that it incorporated a control unit for controlling spatial adjustment of X-ray tube and detector, making allowances for collision avoidance. One would have been motivated to make such a modification for the purpose of controlling imaging parameters as well as preventing collision with a subject and/or device components as is currently practiced in the radiography art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496. The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Courtney Thomas
Primary Examiner
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